

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: KALLEVIG, J.B.

Serial No.: 10/608,715

Filing Date: June 23, 2003

Title: Lawn Mower Having Adjustable
Flow Control Baffle

Attorney Docket: 26.2.C94

Art Group Unit: 3671

Examiner: Petravick, M.C.



Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF J. KALLEVIG UNDER 37 C.F.R. § 1.131

I, Jeffrey B. Kallevig, hereby declare as follows:

1. I am the inventor of the subject matter of claims pending in the above-referenced patent application.
2. I understand that the Patent and Trademark Examiner has found claims 1-2, 10-14, 21-22 and 25-28 of the referenced application to be anticipated by Schmidt et al. U.S. Pat. No. 6,609,358, filed Jun 25, 2002.
3. While I disagree with these assertions by the examiner, I am submitting this declaration to set forth evidence that I invented the subject matter of the claims 1, 10-13, 21, and 25-28 prior to the effective date of Schmidt et al. (June 25, 2002).
4. Exhibits 1 -3 are CAD illustrations of a mower deck designed prior to June 25, 2002. These drawings correspond to FIGS. 2, 3 and 5 of the application.
5. Exhibits 4 – 6 combine the CAD illustrations of Exhibits 1-3 with the drawings of FIGS. 2, 3 and 5 of the application. Reference numerals which indicate corresponding parts between the Exhibits and FIGS. have been added.

6. Exhibit 7 is an engineering drawing of the flow control baffle of the mower deck of Exhibits 1 - 2. Exhibit 7 was drawn prior to June 25, 2002. The date of Exhibit 7 has been redacted.
7. Prior to June 25, 2002, a prototype deck was fabricated having an adjustable front baffle substantially as indicated in Exhibits 1-7.
8. Prior to June 25, 2002, we conducted mowing tests using the prototype deck to evaluate the machine performance and characteristics. The prototype deck including an adjustable front baffle worked for its intended purpose.
9. Exhibits 1-7 illustrate a mower deck according to claims 1, 10-13, 21, and 25-28, and establish a reduction to practice of these inventions prior to the effective date of Schmidt et al. U.S. Pat. No. 6,609,358.
10. In view of the above, Exhibits 1-7 provide evidence that I invented the invention of claims 1, 10-13, 21, and 25-28 prior to the effective date of Schmidt et al. U.S. Pat. No. 6,609,358.
11. I hereby declare that all statements made of my own knowledge are true and all statements made on information are believed to be true and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Date: June 8, 2005

Jeffrey B. Kallevig
Jeffrey B. Kallevig